

# MUNICIPALITY OF ANCHORAGE



Office of the Municipal Attorney  
Civil Division, Suite 730

Telephone: 907-343-4545  
Fax: 907-343-4550

*Mayor Ethan Berkowitz*

Mr. Frank Pugh  
16006 Noble Point Drive  
Anchorage, Alaska 99516

VIA CERTIFIED MAIL

March 2, 2016

Re: Public Access to Stewart Homestead Road

Dear Mr. Pugh:

It has come to our attention that you recently blocked access to the road/trail that leads to the Stewart Homestead property and beyond. Out of necessity, homesteaders built and travelled this road to reach their homesteads. More recently, local residents have used the trail for recreational purposes. An informal survey of the neighborhood reveals that residents have been walking this trail since at least the mid-1960's.

The public's consistent use of this trail for the past several decades has created a public use easement across the property. A public prescriptive easement exists when there has been continuous, hostile, and open use by the public over a 10-year period.<sup>1</sup>

The Municipality has an obligation to protect the public's interest in this trail. Therefore, we respectfully request that you remove the barriers you have installed by March 11, 2016. Formerly, there was a simple metal gate across the trail. We understand that the gate is necessary to block vehicle access. However, please restore the gate to once again allow pedestrian access by removing the additional metal, chains, and signage (pictured below).

If you are unable or unwilling to comply with this request, the Municipality may be forced to take additional action. One way of affirmatively proving the claim would be to initiate a lawsuit with the Superior Court. The Municipality would prefer to resolve this matter without a lawsuit, which would be costly and needlessly time consuming for all parties.

If you have any questions or concerns, you can reach me at 343-4545.

Sincerely,

A handwritten signature in blue ink that reads "William D. Falsey".

William D. Falsey,  
Municipal Attorney

<sup>1</sup> See, e.g. *Interior Trails Preservation Coalition v. Swope*, 115 P.3d 527 (Alaska 2005).

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Cc: Jennifer Johnston, Assembly  
John Rodda, Director, Parks & Recreation  
Steve Cleary, Alaska Trails

